

b.) Remarks:

During the course of the interview applicant's attorney submitted for consideration a claim chart of each of independent claims 21, 31, and 37. Such claim chart included the recitation of each limitation in such claims and identified the corresponding limitation, where applicable, in the Suter patent.

In connection with claim 21, it was pointed out that one of the limitations in the claim is the recitation of a base flanked by a pair of substantially coplanar flanges. It was noted that none of the flanges 19, 13, and 14 of Suter is coplanar. It also was pointed out that claim 21 requires each of the coplanar flanges to have at least one slot therein. Although one of the non-coplanar flanges, 14, of Suter, has a slot, the companion flange does not. It also was pointed out that claim 21 recites clamping means removably accommodated in the slots of the flanges for removably clamping the rod rest construction atop a support. Again, no clamp means is included in any slot in any flange of the Suter construction.

In conjunction with the discussion of the independent claims applicant's attorney submitted two of the devices embodying the claimed construction. One device corresponded to that shown in Figures 1 and 2, and the other corresponded to that shown in Figures 3-5. One of such devices was clamped to a cylindrical rail and illustrated how the member 1 can be used in conjunction with such rail and to the exclusion of all of the other structure shown in Figures 3-8.

Claim 31 also was discussed and it was pointed out that such

claim recites means coupling the body member and the confronting clamp members for rocking movements relative to the body member. The coupling means are shown at 6, 7 and 18, 19, particularly in Figures 3-5. The pivotal accommodation of the parts 18 and 19 in the slots 6 and 7 enable the clamp members 15 and 16 to rock toward and away from one another so as to vary the spacing between such clamp members, thereby enabling the clamp members to straddle and be clamped to supports, such as boat gunwales, of different dimensions. It was pointed out that there is simply nothing in the Suter construction which corresponds to confronting clamp members coupled for rocking movement relative to any body member.

Claim 31 also recites adjusting means reacting between the clamp members for rocking them relative to the body member to vary the spacing between such clamp members. These adjusting means comprise the bolt 31 and the nut 32, as shown in the drawings. Again, nothing in Suter corresponds to such adjusting means or any equivalent thereof.

In the consideration of claim 31 another model of the invention was produced which included the construction shown in Figures 3-5 as applied to a rectangular rail which could correspond to a boat's gunwale or to a rail of the kind commonly provided on a pontoon boat. The ability of the confronting clamp members to rock toward and away from one another and be retained in a selected position relative to one another also was demonstrated.

In the discussion of claim 37 it was pointed out that the body member of applicant's construction is recited as having a base flanked by a

pair of substantially coplanar flanges. It was pointed out that nothing in Suter corresponds to such a base flanked by a pair of substantially coplanar flanges.

It was pointed out that claim 37 also requires at each of the coplanar flanges to have at least one slot therein, whereas in Suter, only one of the non-coplanar flanges has a slot 47 therein.

Claim 37 also recites coupling means carried by each of the clamp members and extending through the slots. These coupling means are the projections 18 and 19. Clearly, there is nothing in Suter corresponding to these members.

Finally, it was pointed out that claim 37 also recites adjusting means spanning the clamp members and operable to vary the space between them. It was pointed out that there is nothing in Suter corresponding to such adjusting means.

The two models referred to earlier incorporate the substance of claim 37.

In a case where, as here, claims are rejected as being anticipated by a prior art reference, it is essential that the reference includes all of the limitations set forth in claims. In the present case, however, it has been shown that Suter does not disclose or fairly teach all of the limitations recited in the claims. It also was shown that the arrangement of the components of Suter does not correspond to the arrangement of elements recited in the claims. Consequently, it was urged on behalf of applicant that Suter does not anticipate or suggest the structural characteristics

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recited in the independent claims.

At the conclusion of the interview Mr. Poon agreed that the limitations referred to above and included in claims 21, 31, and 37 were not met under 35 USC 102 by Suter and that such claims appear to be allowable over Suter.

Since all of the independent claims appear to be allowable, all of the respective dependent claims also should be allowable.

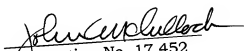
This application now is believed to be in condition for formal allowance. Such action is requested.

Enclosed is our check in the amount of \$225 for payment of a two month's extension of time fee.

The Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-2676.

Respectfully submitted,

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By his attorney,


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